

## Steve Scheibal

**From:** Amber Hausenfluck  
**Sent:** Wednesday, September 07, 2011 2:12 PM  
**To:** Steve Scheibal  
**Subject:** FW: Senator Gallegos Request for information on DL  
**Importance:** High

Harold email below ☺

Amber Hausenfluck  
Deputy Legislative Director  
Senator Van de Putte, R Ph.  
E1.610  
512-463-0126  
[amber.hausenfluck@senate.state.tx.us](mailto:amber.hausenfluck@senate.state.tx.us)

**From:** Harold Cook [<mailto:HC@HAROLDCOOK.COM>]  
**Sent:** Thursday, September 01, 2011 4:46 PM  
**To:** Debra Gonzales  
**Cc:** Amber Hausenfluck  
**Subject:** Re: Senator Gallegos Request for information on DL  
**Importance:** High

2:13-cv-193  
09/02/2014

DEF2655

Debbie, this is VERY helpful.

Folks, this is crucial to fighting the voter ID sec. 5 pre-clearance, and whichever Senator speaks with DoJ next should forward Debbie's email to them.

Here's the deal: in a Sec. 5 pre-clearance, the burden of proof is on the state to prove that the law does NOT discriminate against minorities.

The state's pre-clearance submission from SOS didn't appear to address the data at all, on the racial make-up of those who DO have voter registrations but who do NOT have DPS photo ID. Debbie's email is evidence that DPS doesn't have such data.

If data exists that shows that a disproportionate percentage of minorities are without the necessary ID (as compared to the minority make-up of Texas' population), then it would be strongly suggestive that the effect of the voter ID law would be to unduly burden minority voters, more so than non-minority voters (which is key - you must harm minorities more than non-minorities, or some at DoJ would claim there is no discrimination).

Since the burden is on the state to prove that the voter ID law is not retrogressive, the Department of Justice should demand that the state provide data which shows:

1. percent of those who are registered to vote, but who do not have the necessary DPS-issued ID; and
2. the race of those registered Texans (or at least a Hispanic surname match, since that's so easily achievable).

If the percent of those people is greater than the percent of the general minority population, then it is strong evidence that the law would be retrogressive. If the state continues to claim that it cannot produce this data, then the state cannot possibly fulfill their burden to provide information proving that the law does not retrogress.

So, there are two state agencies which should in theory be able to provide the necessary data: DPS, and SOS. SOS failed to do so in their DoJ submission. DPS, in their reply to Debbie, claims they cannot do so. The Department of Justice should either demand that the state produce the data, or fail to pre-clear. Without the data to prove the effect of the law, the state has not met its Sec. 5 burden.

Amber: this is exactly on point with the conversation LVP and I had with the DoJ official a couple of years ago in her office, who provided broad hints that this was one very strong direction to go in (although, since he was sucking up to the Bush White House, falsely claimed that the burden of proof would not be on the state, which it is).

On Sep 1, 2011, at 4:30 PM, Debra Gonzales wrote:

Here you go, let me know if you have any questions.

Debra Gonzales  
Legislative Director  
Senator Gallegos  
512-463-0106 office  
512-463-0346 fax

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**From:** DPS Government Relations [<mailto:Government.Relations@dps.texas.gov>]  
**Sent:** Thursday, September 01, 2011 3:45 PM  
**To:** Debra Gonzales  
**Subject:** RE: Senator Gallegos Request for information on DL

Debbie,

I have confirmed with the Driver License Division that we are unable to provide the information the Senator seeks. DPS does not have access to the full voter registration database, so we have no way to make the requested comparison. You may remember during Session that we were asked several times how many Voter IDs DPS may be issuing, but we were unable to provide a number because we had no way to determine that. That still holds true.

Thank you,

Rhonda S. Trumble  
Assistant Chief, Policy  
Public Affairs and Policy  
Texas Department of Public Safety  
(512) 424-2037

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**From:** Debra Gonzales [<mailto:Debra.Gonzales@senate.state.tx.us>]  
**Sent:** Thursday, September 01, 2011 11:36 AM  
**To:** DPS Government Relations  
**Subject:** Senator Gallegos Request for information on DL

To whom it may concern,

I am formally requesting data from the Department of Public Safety on behalf of Senator Gallegos. The Senator wanted to get a copy of the data which showed the number of Texans who do have voter registrations, but who do not have driver licenses. If you do have this information, is it also available divided by Hispanic surname?

If this is something your office does not handle or does not exist, please write back and let me know. The timeline is as soon as possible. Thank you and if you have any questions feel free to email or call.

Debra Gonzales  
Legislative Director  
Senator Gallegos  
512-463-0106 office  
512-463-0346 fax